

OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HEAD OF FOREST FORCE), MAHARASHTRA STATE, NAGPUR
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Sub:- Proposal for diversion of 0.945 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction of road joining ODR-69 to Kusgaon BK., road passing through forest land at Village Kusgaon BK at Village Gevhande (Apti), Tal. Maval, Dist. Pune (FP/MH/ROAD/118687/2021)

No.: Desk-17/**FCA-S1/PJD-118687/Pune/764**
 Nagpur - 440 001, Dated :- **08/06/2023**

To,
 The Principal Secretary (Forests),
 Revenue and Forest Department,
 Mantralaya, Mumbai -32

The Executive Engineer, B&C (North), Div. Zilla Parishad, Pune has submitted proposal for diversion of 0.945 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction of road joining ODR-69 to Kusgaon BK., road passing through forest land at Village Kusgaon BK at Village Gevhande (Apti), Tal. Maval, Dist. Pune. The details of forest land proposed for diversion is as given below: -

Sr. No.	Item of work/ purpose	Village	Taluka	District	Gut No.	Length x Width	Area (in ha.)	Status
1	Construction of road joining ODR-69 to Kusgaon BK., road passing through forest land at Village Kusgaon BK at Village Gevhande (Apti), Tal. Maval, Dist. Pune	Gevhande (Apti)	Maval	Pune	26 C.No.72	110 x 6	0.066	Reserved Forest
					128	60 x 6	0.036	Private Forest
					127	145 x 6	0.087	
2		Kusgaon BK			380 C.No.72	817 x 6	0.4902	Reserved Forest
					315	273 x 6	0.1638	Private Forest
			316	170 x 6	0.1020			
Total Forest area involved (in ha.)							0.945	

2.0 In maval tehsil there are two villages namely called as under Maval & Pavana Maval. Due to Western Ghats hill range & back water of Pavana dam the villages Apti & Gevende Villages are become un-accessible and remote villages in Tal. Maval for the basic needs to medical, education market, facility and also visit to Tehsil place villages must travel longer distance and also absence of public transport facility available. The villages using the path/kacha road for travelling to Kusgaon which is not suitable for jeepable. Gram Panchayat Kusgaon BK and Gram Panchayat

Gevhande Apti has submitted Gram Sabha resolution to zilla Parishad Pune there is need to provide alternative shortest distance road for better transportation facility. In this regard the User Agency has submitted proposal to use forest land for non forest purpose under Forest (Conservation) Act, 1980. (P/41)

3.00 Following documents as prescribed in Government Circular, Revenue and Forest Department No.FLD-1081/2041/(A)/F-3,dated 20/03/1982 and according to Government of India's instructions issued from time to time are enclosed in two copies.

3.1 Prescribed form dated 10/01/2003.

3.2 Certificate regarding minimum demand of forest land for the project,

3.3 Area Statement,

3.4 Index map in suitable scale

4.0 The Deputy Conservator of Forests, Pune Forest Division, Pune has certified that:-

4.1 The cross section map is enclosed herewith on **Page No.163.**

4.2 The copy of the technical approval accorded by the Executive Engineer (B& C), Pune Zilla Parishad North is enclosed on page **No.153 to 162.**

4.3 The site inspection report of the Deputy Conservator of Forests, Pune Forest Division, Pune is enclosed herewith on page **No.39 to 42.**

4.4 No alternate alignment is possible and the forest land required is barest minimum.(P/48)

4.5 The area belongs to Eco-value class-I having density is 0.06 (Dense Forest).(P/60)

4.6 There are 6 trees of various species and trees involved in implementation of the project.

The Girth wise break up is as under:- (P/63 & file P/7)

Tree Girth in Cm.										Total
0-30	31-45	46-60	61-75	76-90	91-105	106-120	121-135	136-150	150 Above	
0	0	0	0	0	0	0	0	0	6	6

4.7 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc. (P/57)

4.8 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. (P/56)

4.9 There is no violation of Forest (Conservation) Act, 1980. (P/51)

4.10 The proposed project is beyond 10 Kms of the boundary of the protected area Tamhini WL Sanctuary, Tamhini (P/64)

4.11 Proposed Compensatory Afforestation over 1.00 ha. degraded forest land in Gut No.143 at Village Sablewadi, Tal. Baramati, Dist. Pune is contiguous & suitable for afforestation and management purpose, it is also free from encroachment and encumbrances. (File P/9)

4.12 The non-forest area covered under the project is not under the provision of Maharashtra Private Forest (Acquisition) Act 1975 by virtue of application of Section 35 of Indian Forest Act 1927 and are not recognized as deemed reserved forest as well as not included in the area identified as "forest" as per dictionary meaning of forest as intimated to the expert committee appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996. (P/55)

4.13 Three alternative alignments has been not examined in detailed because the proposed road will be constructed on existing Pick/Cart track (P/70)

5.0 The User Agency has submitted an undertaking that:-

5.1 The User Agency has submitted an undertaking to defray the cost of Net Present Value. (P/59)

5.2 The User Agency has submitted an undertaking to defray the cost of Compensatory Afforestation (P/file 10 & 31).

5.3 The User Agency has submitted an undertaking regarding the compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been applied and is under process and shall be submitted before final approval as per Government of India vide letter No.11-43/2013-FC, dt. 3/12/2018. (P/85)

6.0 The Deputy Conservation of Forests, Pune Forest Division, Pune and Chief Conservator of Forests (T), Pune have recommended the proposal for diversion of 0.9450 ha. of Reserved forest land. (P/16 to 19)

2.00 In view of this, the proposal is recommended for approval under the section -2 (ii) of the Forest (Conservation) Act, 1980 subject to the following conditions: -

2.1 The legal status of the forest land required will remain unchanged.

2.2 Compensatory Afforestation :-

a) Compensatory Afforestation over 1.00 ha. degraded forest land in Gut No.143 at Village Sablewadi, Tal. Baramati, Dist. Pune at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

2.3 The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

2.4 NPV:-

a) The State Government shall charge the Net Present Value (NPV) for the 0.9450 ha. forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No.566 in WP (C) No.202/1995 and as per the guidelines issued by the Ministry vide letters No.5-1/1998-FC (Pt.II), dated 18/09/2003 as well as letter No.5-2/2006-FC, dated 03/10/2006 and 5-3/2007-FC, dated 05/02/2009 in this regard.

- b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
- 2.5 User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- 2.6 All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only through e-portal (<http://parivesh.nic.in/>).
- 2.7 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector before Stage-II approval.
- 2.8 User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- 2.9 Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
- 2.10 It Shall be mandatory to provide underpass for safe crossing of wild animals:-
- (a) The underpass shall have a minimum size of width 4.00 mt and Height 3.00 mt.
 - (b) Wherever natural cross drainage works are in existence, then no need to construct new underpass subject to existing structure nearly complying above mentioned dimensions, as suggested in (a) above.
 - (c) Wherever natural cross drainage works are in existence but as per engineering requirement, it is required to reconstruct then that structure shall comply with the minimum dimensions as suggested in (a) above.
 - (d) Interval between such underpasses shall not be more than 2.00 km
- 2.11 The user agency shall provide suitable under/over pass in Protected Area/ Forest Area as per recommendation of CWLW/NBWL/FAC/REC.
- 2.12 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- 2.13 The layout plan of the proposal shall not be changed without prior approval of Central Government
- 2.14 No labour camp shall be established on the forest land
- 2.15 Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- 2.16 The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- 2.17 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 2.18 The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- 2.19 The forest land shall not be used for any purpose other than that specified in the project proposal

- 2.20 The forest land proposed to be diverted shall under no circumstance be transferred to any other agencies, department or person without prior approval of Government of India.
- 2.21 Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guidelines F.No.11-42/2017-FC, dated 29/01/2018.
- 2.22 Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
- 2.23 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

3.00 It is therefore, requested that Government of Maharashtra may kindly be moved for approving the proposal for diversion of 0.945 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction of road joining ODR-69 to Kusgaon BK., road passing through forest land at Village Kusgaon BK at Village Gevhande (Apti), Tal. Maval, Dist. Pune under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 2 copies


(Naresh Zurmure)

**Addl. Principal Chief Conservator of Forests
& Nodal Officer**

Copy to the Chief Conservator of Forest (T), Pune for information.

Copy to the Deputy Conservator of Forests, Pune Forest Division, Pune for formation.

Copy to the Executive Engineer, B&C (North), Div. Zilla Parishad, Pune for information.

PART -IV

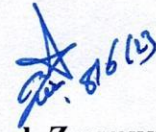
**(To be filled by Nodal Officer or Principal Chief Conservator of Forests
(Head of Forest Force)**

(Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks)

Sub.- Proposal for diversion of 0.945 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction of road joining ODR-69 to Kusgaon BK., road passing through forest land at Village Kusgaon BK at Village Gevhande (Apti), Tal. Maval, Dist. Pune (FP/MH/ROAD/118687/2021). The details of land proposed for diversion is as under-

Sr. No.	Item of work/ purpose	Village	Taluka	District	Gut No.	Length x Width	Area (in ha.)	Status
1	Construction of road joining ODR-69 to Kusgaon BK., road passing through forest land at Village Kusgaon BK at Village Gevhande (Apti), Tal. Maval, Dist. Pune	Gevhande (Apti)	Maval	Pune	26 C.No.72	110 x 6	0.066	Reserved Forest
					128	60 x 6	0.036	Private Forest
					127	145 x 6	0.087	
2		Kusgaon BK			380 C.No.72	817 x 6	0.4902	Reserved Forest
					315	273 x 6	0.1638	Private Forest
					316	170 x 6	0.1020	
Total Forest area involved (in ha.)							0.945	

Specific recommendation of Principal Chief Conservator of Forests (HoFF) Maharashtra State, Nagpur is attached on page no.



(Naresh Zurmure)
Additional Principal Chief Conservator of Forests
& Nodal Officer

Date: 08/06/2023
Place: Nagpur

Proposal for diversion of 0.945 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction of road joining ODR-69 to Kusgaon BK., road passing through forest land at Village Kusgaon BK at Village Gevhande (Apti), Tal. Maval, Dist. Pune (FP/MH/ROAD/118687/2021)

Specific Recommendation of Principal Chief Conservator of Forests, Maharashtra State (Head of Forest Force) Maharashtra State, Nagpur with regards to acceptance or otherwise of the proposal supported by reasons.

Proposal is for diversion of 0.945 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction of road joining ODR-69 to Kusgaon BK., road passing through forest land at Village Kusgaon BK at Village Gevhande (Apti), Tal. Maval, Dist. Pune (FP/MH/ROAD/118687/2021) has been initiated by the Executive Engineer, B&C (North), Div. Zilla Parishad, Pune for seeking approval under Forest (Conservation) Act, 1980.

2.0 In maval tehsil there are two villages namely called as under Maval & Pavana Maval. Due to Western Ghats hill range & back water of Pavana dam the villages Apti & Gevende Villages are become un-accessible and remote villages in Tal. Maval for the basic needs to medical, education market, facility and also visit to Tehsil place villages must travel longer distance and also absence of public transport facility available. The villages using the path/kacha road for travelling to Kusgaon which is not suitable for jeepable. Gram Panchayat Kusgaon BK and Gram Panchayat Gevhande Apti has submitted Gram Sabha resolution to zilla Parishad Pune there is need to provide alternative shortest distance road for better transportation facility. In this regard the User Agency has submitted proposal to use forest land for non forest purpose under Forest (Conservation) Act, 1980. **(P/41)**

3.0 The details of the forest land proposed for diversion are as under:- **(P/23)**

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Total Forest area involved (in ha.)							0.9450		

4.0 The Deputy Conservator of Forests, Pune Forest Division, Pune has certified that:-

- 4.1 The cross section map is enclosed herewith on **Page No.163.**
- 4.2 The copy of the technical approval accorded by the Executive Engineer (B& C), Pune Zilla Parishad North is enclosed on page **No.153 to 162.**
- 4.3 The site inspection report of the Deputy Conservator of Forests, Pune Forest Division, Pune is enclosed herewith on page **No.39 to 42.**
- 4.4 No alternate alignment is possible and the forest land required is barest minimum.**(P/48)**
- 4.5 The area belongs to Eco-value class-I having density is 0.06 (Dense Forest).**(P/60)**
- 4.6 There are 6 trees of various species and trees involved in implementation of the project.
The Girth wise break up is as under:- **(P/63 & file P/7)**

Tree Girth in Cm.										Total
0-30	31-45	46-60	61-75	76-90	91-105	106-120	121-135	136-150	150 Above	
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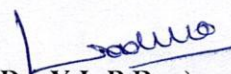
- 4.7 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc. **(P/57)**
- 4.8 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. **(P/56)**
- 4.9 There is no violation of Forest (Conservation) Act, 1980. **(P/51)**
- 4.10 The proposed project is beyond 10 Kms of the boundary of the protected area Tamhini WL Sanctuary, Tamhini **(P/64)**
- 4.11 Proposed Compensatory Afforestation over 1.00 ha. degraded forest land in Gut No.143 at Village Sablewadi, Tal. Baramati, Dist. Pune is contiguous & suitable for afforestation and management purpose, it is also free from encroachment and encumbrances. **(File P/9)**
- 4.12 The non-forest area covered under the project is not under the provision of Maharashtra Private Forest (Acquisition) Act 1975 by virtue of application of Section 35 of Indian Forest Act 1927 and are not recognized as deemed reserved forest as well as not included in the area identified as "forest" as per dictionary meaning of forest as intimated to the expert committee appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996. **(P/55)**
- 4.13 Three alternative alignments has been not examined in detailed because the proposed road will be constructed on existing Pick/Cart track **(P/70)**

5.0 The User Agency has submitted an undertaking that:-

- 5.1 The User Agency has submitted an undertaking to defray the cost of Net Present Value. **(P/59)**
- 5.2 The User Agency has submitted an undertaking to defray the cost of Compensatory Afforestation **(P/file 10 & 31).**

- 5.3 The User Agency has submitted an undertaking regarding the compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been applied and is under process and shall be submitted before final approval as per Government of India vide letter No.11-43/2013-FC, dt. 3/12/2018. (P/85)
- 6.0 The Deputy Conservation of Forests, Pune Forest Division, Pune and Chief Conservator of Forests (T), Pune and have recommended the proposal for diversion of 0.9450 ha. of Reserved forest land. (P/16 to 19)
- 2.00 **In view of this, the proposal is recommended for approval under the section -2 (ii) of the Forest (Conservation) Act, 1980 subject to the following conditions: –**
- 2.1 The legal status of the forest land required will remain unchanged.
- 2.2 **Compensatory Afforestation :-**
- a) Compensatory Afforestation over 1.00 ha. degraded forest land in Gut No.143 at Village Sablewadi, Tal. Baramati, Dist. Pune at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- 2.3 The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- 2.4 **NPV:-**
- a) The State Government shall charge the Net Present Value (NPV) for the 0.9450 ha. forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No.566 in WP (C) No.202/1995 and as per the guidelines issued by the Ministry vide letters No.5-1/1998-FC (Pt.II), dated 18/09/2003 as well as letter No.5-2/2006-FC, dated 03/10/2006 and 5-3/2007-FC, dated 05/02/2009 in this regard.
- b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
- 2.5 User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- 2.6 All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only through e-portal (<http://parivesh.nic.in/>).
- 2.7 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector before Stage-II approval.
- 2.8 User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- 2.9 Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
- 2.10 It Shall be mandatory to provide underpass for safe crossing of wild animals:-

- (a) The underpass shall have a minimum size of width 4.00 mt and Height 3.00 mt.
 - (b) Wherever natural cross drainage works are in existence, then no need to construct new underpass subject to existing structure nearly complying above mentioned dimensions, as suggested in (a) above.
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- 2.11 The user agency shall provide suitable under/over pass in Protected Area/ Forest Area as per recommendation of CWLW/NBWL/FAC/REC.
- 2.12 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- 2.13 The layout plan of the proposal shall not be changed without prior approval of Central Government
- 2.14 No labour camp shall be established on the forest land
- 2.15 Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- 2.16 The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- 2.17 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 2.18 The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- 2.19 The forest land shall not be used for any purpose other than that specified in the project proposal
- 2.20 The forest land proposed to be diverted shall under no circumstance be transferred to any other agencies, department or person without prior approval of Government of India.
- 2.21 Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guidelines F.No.11-42/2017-FC, dated 29/01/2018.
- 2.22 Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
- 2.23 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)
- 3.0 Keeping in view facts mentioned in above para this proposal for diversion of 0.945 ha. for construction of road joining ODR-69 to Kusgaon BK., road passing through forest land at Village Kusgaon BK at Village Gevhande (Apti), Tal. Maval, Dist. Pune is recommended for approval under Forest (Conservation) Act, 1980.


(Dr. Y.L.P Rao)

**Principal Chief Conservator of Forests
(Head of Forest Force)
Maharashtra State, Nagpur**